IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.454 OF 2005

Mrs. Lourdes Silva Lobo & Anr. .... Petitioners
Vs.
Mrs. Vilena D'Silva & Anr. .... Respondents

Sarvasri S.D. Lotlikar, Senior Advocate, with
Marvin D'Souza for the Petitioners.
Shri Nitin Sardessai for the Respondents.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: MARCH 02, 2006

P.C:

Having perused the orders passed by the trial Court as well as the lower Appellate Court, both the Advocates appearing for the parties fairly submitted that they have no option than to agree for setting aside of both the orders and to remand the matter to the trial Court for deciding the matter in relation to the relief of temporary injunction asked for, in accordance with the provisions of law and more particularly bearing in mind the scope of powers under Order 39, Rule 1 of the Code of Civil Procedure. Accordingly, both the impugned orders are hereby quashed and set aside and the matter is remanded to the trial Court to decide the application for temporary injunction in accordance with the provisions of law, as expeditiously as possible. With this order, the petition is disposed of.

(R.M.S.Khandeparkar,J.)